

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:07cr46

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>O R D E R</u>
)	
)	
MICHAEL G. POPE,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on the Defendant's renewed motion for bail pursuant to 18 U.S.C. § 3143(b). [Doc. 43].

On June 1, 2010, the Court entered an Order denying the Defendant's request to be released on bail pending his appeal, finding that the Defendant had failed to raise a substantial question of law or fact likely to result in a reversal, a new trial, or a reduced sentence. [Doc. 42]. The Defendant now renews his motion pursuant to 18 U.S.C. § 3143(b). In support of his motion, the Defendant submits affidavits from his former attorney, Andrew Banzhoff, and his brother, Robert Pope. [Doc. 43].

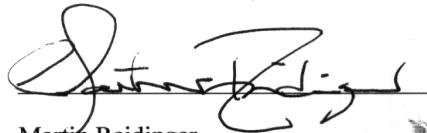
The Defendant states in his motion that he "is appealing his sentence for the failure of the government to give a 5K.1 [sic] downward departure."

[Doc. 43 at 5]. In addition, the Court has carefully reviewed the Defendant's renewed motion and supporting affidavits for any other available grounds. Based thereon the Court concludes that the Defendant has failed to raise a substantial question of law or fact likely to result in a reversal, a new trial, or a reduced sentence. See 18 U.S.C. § 3143(b)(1)(B). For these reasons, the Defendant's renewed motion for release pending his appeal will be denied.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's renewed motion for bail pursuant to 18 U.S.C. § 3143(b) [Doc. 43] is **DENIED**.

IT IS SO ORDERED.

Signed: August 4, 2010



Martin Reidinger
United States District Judge

